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Date: MAY 23, 2005

To: EXAMINER MENDEZ, MANUEL A.

U.S. PATENT AND TRADEMARK OFFICE

Fax #: (703) 872-9306

From: FRANK C. NICHOLAS

Phone #: (847) 424-2521

Client/Matter No.: 9250/3

of Pages: 13

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TO : 17038729306
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Attorney Docket No	9250/3
Application Number	10/763,510
Filing Date	JANUARY 23, 2004
First Named Inventor	MICHAEL J. DALTON
Group Art Unit	3763
Examiner	MENDEZ, MANUEL A

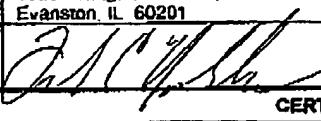
ENCLOSURES (check all that apply)

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<input type="checkbox"/> After Final	<input type="checkbox"/> Drawings	<input type="checkbox"/> Appeal Brief (duplic)
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> After Allowance Communication to Group	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter	<input type="checkbox"/> Petition Routing Slip (PTO/SB/68) and Accompanying Petition	<input type="checkbox"/> Post Card Receipt
<input type="checkbox"/> Extension of Time Request (duplic)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Power of Attorney, 37 C.F.R. 1.33 Change of Correspondence Address	<input type="checkbox"/>
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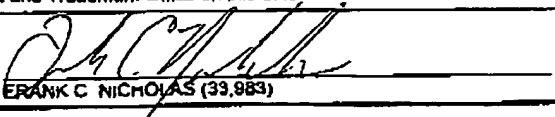
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Indep.		Minus			x \$100=	0	x \$200=	
First Presentation of Multiple Dep. Claim					+ \$18p=	—	+ \$36p=	
					total add'l fee	\$ 0	total add'l fee	\$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	FRANK C. NICHOLAS Registration No 33,983 CARDINAL LAW GROUP 1803 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature			
	Date	May 23, 2005	

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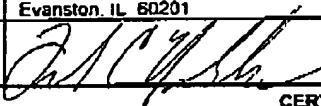
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(to be used for all correspondence after initial filing)													
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Attorney Docket No.</td> <td style="width: 85%;">9250/3</td> </tr> <tr> <td>Application Number</td> <td>10/763,510</td> </tr> <tr> <td>Filing Date</td> <td>JANUARY 23, 2004</td> </tr> <tr> <td>First Named Inventor</td> <td>MICHAEL J. DALTON</td> </tr> <tr> <td>Group Art Unit</td> <td>3763</td> </tr> <tr> <td>Examiner</td> <td>MENDEZ, MANUEL A.</td> </tr> </table>	Attorney Docket No.	9250/3	Application Number	10/763,510	Filing Date	JANUARY 23, 2004	First Named Inventor	MICHAEL J. DALTON	Group Art Unit	3763	Examiner	MENDEZ, MANUEL A.
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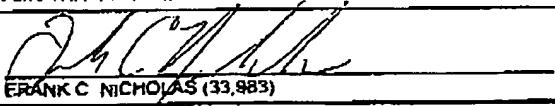
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	Claims After Amendment	Minus	Highest No. Previously Paid For	Present Extra	
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Indep		Minus			x \$25= 0
First Presentation of Multiple Dep. Claim					x \$100= 0
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				or	
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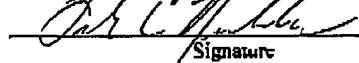
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Date	May 23, 2005

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FRANK C. NICHOLAS, (33.983)
Name of applicant, assignee or registered representative



Signature

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Date of Signature

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PATENT
Case No. 9250/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	
MICHAEL J. DALTON)	Examiner: MENDEZ, MANUEL A.
Serial No.: 10/763,510)	Group Art Unit: 3763
Filed: JANUARY 23, 2004)	
Title: DEVICE FOR SUBCUTANEOUS INFUSION OF FLUIDS)	

RESPONSE TO OFFICE ACTION DATED FEBRUARY 22, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202-1450

Dear Sir:

This is a response to a first non-final Office Action dated February 22, 2005. The Applicant responds as follows:

May 23, 2005
Case No.: 9250/3
Serial No.: 10/763,510
Filed: January 23, 2004
Page 2 of 10

INTRODUCTORY COMMENTS

The present amendment replies to an Office Action dated February 22, 2005. Claims 1-14 are currently pending in the present application. Examiner Mendez rejected claims 1-14.

In the Office Action, Examiner Mendez asserted the following actions to the application and pending claims 1-14:

- A. Claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by Douglas, U.S. Patent No. 6,629,949;
- B. Claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by Lastovich, et al., U.S. Patent No. 6,808,506; and
- C. Claims 2-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Whitney et al (U.S. Patent No. 4,235,234), in view of Douglas, Goldowsky (U.S. Patent No. 4,136,692) and Bierman et al. (U.S. Patent No. 6,428,515).

The Applicant requests reconsideration and further examination of the present application under 37 CFR § 1.111.